

William F. Martin  
Solicitor, Delaware County, Pennsylvania  
Attorney I.D. #39762  
201 West Front Street  
Media, PA 19063  
(610) 891-4074  
martinw@co.delaware.pa.us

---

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

<b>IN RE: EXTENSION OF TIME FOR</b>	:	<b>No. 2020-003416</b>
<b>ABSENTEE AND MAIL-IN BALLOTS</b>	:	
<b>TO BE RECEIVED BY MAIL AND</b>	:	
<b>COUNTED IN THE 2020 PRIMARY</b>	:	
<b>ELECTION</b>	:	

**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, upon consideration of the Emergency Motion of the Delaware County Board of Elections for Clarification of June 2, 2020 Court Order For Ballots Delivered to the Delaware County Elections Bureau by the Post Office After June 2, 2020, at 8:00 pm and Before June 9, 2020 at 5:00 pm, but Not Bearing a Postmark, and after any response thereto, it is hereby Ordered and Decreed as follows:

---

---

---

**BY THE COURT:**

---

J.

William F. Martin  
Solicitor, Delaware County, Pennsylvania  
Attorney I.D. #39762  
201 West Front Street  
Media, PA 19063  
(610) 891-4074  
martinw@co.delaware.pa.us

FILED  
2020 JUN 12 AM 10:44

CLERK OF  
JUDICIAL DEPARTMENT  
DELAWARE COUNTY

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

**IN RE: EXTENSION OF TIME FOR : No. 2020-003416**  
**ABSENTEE AND MAIL-IN BALLOTS :**  
**TO BE RECEIVED BY MAIL AND :**  
**COUNTED IN THE 2020 PRIMARY :**  
**ELECTION . :**

**EMERGENCY MOTION OF THE DELAWARE COUNTY BOARD OF  
ELECTIONS FOR CLARIFICATION OF JUNE 2, 2020 COURT ORDER FOR  
BALLOTS DELIVERED TO THE DELAWARE COUNTY ELECTIONS BUREAU  
BY THE POST OFFICE AFTER JUNE 2, 2020 AT 8:00 PM AND BEFORE JUNE 9,  
2020 AT 5:00 PM, BUT NOT BEARING A POSTMARK**

TO THE HONORABLE JUDGES OF THE SAID COURT:

Movant, the Delaware County Board of Elections (hereafter "Board of Elections" or "BOE"), through undersigned counsel, petitions this Court for clarification of the June 2, 2020 Court Order and respectfully represents as follows:

1. On June 2, 2020, Movant filed an Emergency Petition, seeking an extension of time for the voted absentee and mail-in ballots of the qualified registered electors of Delaware County to be counted for the 2020 Primary Election.
2. A hearing was held on the same date, during which counsel for the Board of Elections appeared, as well as counsel for the Delaware County Republican Party.
3. After a hearing, the Honorable Nusrat J. Rasid granted the Petition and ordered, in pertinent part, "The Delaware County Board of Elections shall accept for tabulation all absentee

and mail-in ballots postmarked on or before June 2, 2020 and delivered by the United States Post Office to the Delaware County Board of Elections any time before June 9, 2020, at 5:00 p.m.”

4. As required by the Court Order, all ballots received after the June 2, 2020 deadline have been segregated and marked with the date of receipt.

5. While sorting through the ballots that arrived after June 2, 2020 in an effort to identify the date of postmarks, the mailroom and Elections Bureau discovered that 1,321 of these ballots were delivered by the post office but did not bear any postmark. They were not walk-in ballots, but delivered by the post office. These ballots have been segregated further, awaiting guidance from the Court.

6. In order to get clarification from the post office, Delaware County employee, Donna Burdett, Manager of the mailroom and copy center, contacted the post office on June 2, 2020, and was advised by Donna Graham, Supervisor of the Philadelphia Regional Office, that any ballots delivered directly to the Media post office or mailed in the immediately surrounding area, were not being forwarded by the Media post office to the Philadelphia post office (as is customary) for standard processing, and, therefore, did not have a postmark. Instead, they were being delivered directly to the courthouse for expediency. See Exhibit A, Affidavit of Donna Burdett.

7. Laureen Hagan, Chief Clerk of the Bureau of Elections, has segregated the ballots that do not bear a postmark and sorted them by date of receipt by the elections bureau. See Exhibit B, Affidavit of Laureen Hagan. Based on that sorting, Ms. Hagan has reported the following number received by the Bureau on each day since June 2, 2020:

June 3: 800

June 4: 299

June 5: 127

June 6: 0

June 7: 0

June 8: 94

June 9: 1

8. The County Board of Elections seeks clarification of the Court's Order in light of the circumstances presented. The County does not wish to unilaterally disregard ballots that bear no postmark and is seeking guidance from the Court to ensure that it is in compliance with the letter and spirit of the Court's Order of June 2, 2020.

9. This Motion is being presented on an emergent basis because the election results must be certified by June 22, 2020. 25 P.S. § 2642(k).

**WHEREFORE**, the Delaware County Board of Elections respectfully requests this Honorable Court to clarify the Order of June 2, 2020 in light of the present circumstances so that the BOE knows whether or not to count ballots received after June 2, 2020, and before June 9, 2020 at 5:00 pm that do not bear postmarks.

Respectfully submitted,

WILLIAM F. MARTIN,  
Solicitor, Delaware County

BY:



Sherri L. Eyer  
Assistant County Solicitor

## VERIFICATION

I, Laureen T. Hagan, Chief Clerk of the Delaware County Elections Bureau, hereby certify that the facts set forth in the foregoing are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Jan 12, 2020  
DATE

Laureen T. Hagan  
LAUREEN T. HAGAN

**EXHIBIT "A"**



### **AFFIDAVIT OF DONNA BURDETT**

I, Donna Burdett, Manager of Administrative Services for Delaware County, do hereby swear and affirm as follows:

1. I am employed by Delaware County as Manager of Administrative Services, which includes supervision of the mailroom and copy center.
2. As Manager, I am responsible for picking up mail and accepting deliveries of mail delivered by the United States Post Office, Media branch to the Delaware County Courthouse and forwarding all mail received to the specific addressee.
3. In the days immediately preceding and following the primary election, I picked up mail from the Media Post Office at 7:30 am each day. I then forwarded all ballots received to the Elections Bureau.
4. On June 2, 2020, I discovered that a number of ballots we received by mail did not bear a postmark as is customary. When I discovered this, I made phone contact with the Supervisor of the Regional Office of Philadelphia, Donna Graham, first by text message and then by a telephone call. (See 6/2/20 text message attached hereto).
5. Supervisor Graham informed me that the Media Post Office, for expediency, was forwarding mail they received in Media and the local area directly to the courthouse rather than sending the mail to the Philadelphia Regional Office for processing (which generates the postmark that cancels the postage).
6. Supervisor Graham told me she would instruct Media to cease the direct delivery of ballots because the Elections Bureau needed to verify postmarks.

The foregoing facts and averments in this Affidavit are true and correct to the best of my knowledge, information and belief. The statements made herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

A handwritten signature in cursive script, reading "Donna Burdett", written over a horizontal line.

DONNA BURDETT,  
Manager, Delaware County Administrative  
Services

DATED: June 12, 2020



**Donna USPS**

+12153009884



Tuesday, June 2, 2020

Donna here's another problem we're having is the mail is not coming through with the postal service's stamp of when there's mailing it to us or received it I just spoke to Jeremy down in the media post office and he said that he was going to contact someone down at the plant



Enter message



**EXHIBIT "B"**

### **AFFIDAVIT OF LAUREEN HAGAN**

I, Laureen T. Hagan, Chief Clerk for the Delaware County Elections Bureau, do hereby swear and affirm as follows:

1. I am employed by the Delaware County Elections Bureau as Chief Clerk.
2. As Chief Clerk, I am responsible for the tabulation of mail-in and absentee ballots and the supervision of employees assisting in that effort.
3. I have complied with the Court Order of June 2, 2020, as well as the Governor's Executive Order (No. 2020-02, dated June 1, 2020) by segregating all ballots received by the Bureau after June 2, 2020 at 8:00 pm, and date-stamping the ballots as they are received. I have segregated these ballots further by walk-in delivery versus post office delivery.
4. After sorting the segregated mail-in and absentee ballots delivered by the post office, I have determined that 1321 of the ballots received after June 2, 2020 and prior to the June 9, 2020 deadline do not bear postmarks.
5. Ballots not bearing a postmark were sorted further by date of receipt and the following number of ballots were received by the Bureau on the following dates:  
  
June 3: 800  
  
June 4: 299  
  
June 5: 127  
  
June 6: 0  
  
June 7: 0  
  
June 8: 94  
  
June 9: 1

6. These ballots have not yet been tabulated, and we are awaiting further direction from the Court.

The foregoing facts and averments in this Affidavit are true and correct to the best of my knowledge, information and belief. The statements made herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



LAUREEN T. HAGAN,  
CHIEF CLERK, DELAWARE COUNTY  
ELECTIONS BUREAU

DATED: June 12, 2020

William F. Martin  
Solicitor, Delaware County, Pennsylvania  
Attorney I.D. ##39762  
201 West Front Street  
Media, PA 19063  
(610) 891-4074  
[martinw@co.delaware.pa.us](mailto:martinw@co.delaware.pa.us)

---

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY  
CIVIL DIVISION

IN RE: EXTENSION OF TIME FOR : No. 2020-003416  
ABSENTEE AND MAIL-IN BALLOTS :  
TO BE RECEIVED BY MAIL AND :  
COUNTED IN THE 2020 PRIMARY :  
ELECTION :

**CERTIFICATION OF SERVICE**

I, Sherri L. Eyer, hereby certify that on today's date, June 12, 2020, the foregoing has been served in person and/or by fax/email upon the following interested parties. I further certify that a copy of the foregoing has been posted on the Delaware County Election Bureau's website.

Delaware County Democratic Committee  
ATTN: COLLEEN GUINEY  
104 Gayley Street  
Media, PA 19063  
[delcochair@gmail.com](mailto:delcochair@gmail.com)

Delaware County Republican Committee  
ATTN: TOM MCGARRIGLE, CAROLE MILLER AND ANDREW J. REILLY, ESQUIRE  
321 W. Front Street  
Media, PA 19063  
T: (610) 566-9375  
[areilly@swartzcampbell.com](mailto:areilly@swartzcampbell.com)  
[delcorep@comcast.net](mailto:delcorep@comcast.net)  
[tjmmam@aol.com](mailto:tjmmam@aol.com)

Respectfully submitted,

WILLIAM F. MARTIN,  
*Solicitor, Delaware County*

BY:



Sherri L. Eyer  
*Assistant County Solicitor*